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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/510,576	10/08/2004	Angelo Benvenuti	6392/PCT	9286
6858 7590 04/16/2007 BREINER & BREINER, L.L.C. P.O. BOX 19290 ALEXANDRIA, VA 22320-0290			EXAMINER KIM, SANG K	
			ART UNIT	PAPER NUMBER
			3654	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/16/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/510,576	<b>Applicant(s)</b> BENVENUTI ET AL.	
	<b>Examiner</b> SANG KIM	<b>Art Unit</b> 3654	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 February 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 46-75 and 77-90 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 46-75, 77-82/83, 84/83, 85, and 86/83-88/83 is/are allowed.
- 6) ☒ Claim(s) 89, 90, 82/90, 84/90, 86/90, 87/90, and 88/90 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>2/6/07</u> . | 6) <input type="checkbox"/> Other: _____  |

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 89 is rejected under 35 U.S.C. 103(a) as being unpatentable over Morizzo, U.S. Patent No. 5257748.

Regarding claim 89, Morizzo discloses a rewinding machine comprising: a winding cradle (28, 30); an insertion member 100 to insert a winding core 16 into said winding cradle; an ejector (using 32) to eject a log formed in said winding cradle by causing the log to roll onto an unloading chute (no reference number assigned, near the platform 80); a severing device 66 to sever the web material after the log is ejected from said winding cradle; wherein disposed along the unloading chute is an aperture (near 62) elongated in a direction transverse to a direction in which the log is unloaded along said unloading chute; and said severing device 66 comprises a moveable element 66 to cause severing of the web material between the winding cradle and the log of wound web material, see figures 1-5. As stated above, Morizzo discloses the pair of oscillating arms 68 supporting the moveable element 66, and a separate frame supporting a winding roller 48 with movable axis, see figure 1.

Art Unit: 3654

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Morizzo to include the winding roller onto the pair of oscillating arms in order to reduce parts and save material costs or increase production rate with less components. Furthermore, it has been held that rearranging parts of an invention involves only routine skill in the art. In re Japikse, 86 USPQ 70.

Claim 90, 82/90, and 84/90 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morizzo, U.S. Patent No. 5257748, in view of Biagiotti, U.S. Patent No. 6129304.

Regarding claims 90, 82/90, 84/90, Morizzo discloses a rewinding machine comprising: a winding cradle (28, 30); an insertion member 100 to insert a winding core 16 into said winding cradle; an ejector (using 32) to eject a log formed in said winding cradle by causing the log to roll onto an unloading chute (no reference number assigned, near the platform 80); a severing device 66 to sever the web material after the log is ejected from said winding cradle; wherein disposed along the unloading chute is an aperture (near 62) elongated in a direction transverse to a direction in which the log is unloaded along said unloading chute; and said severing device 66 comprises a moveable element 66 to cause severing of the web material between the winding cradle and the log of wound web material, see figures 1-5

As stated above, Morizzo discloses air nozzles 110, 111 to apply the web against the core.

Art Unit: 3654

Biagiotti disclose air nozzles 15, 16 spraying glue onto the core, see column 3, lines 60-65, and see figure 1.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Morizzo to spray glue from the air nozzles as taught by Biagiotti to ensure that the web is being secured to the core substantially an entire length.

Claims 86/90, 87/90, and 88/90 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morizzo '748 in view of Biagiotti '304 as applied to claim 90 above, and further in view of Nowisch, U.S. Patent No. 4422588.

Regarding 86/90, 87/90, and 88/90, as stated above, Morizzo discloses the web material but does not explicitly explain whether the web material can be slit into a plurality of webs.

Nowisch discloses the slitter 12 comprises a plurality of cutting knives 15 and 16 cooperating with respective counter blades which would have a plurality of annular channels produced on the roller.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Morizzo to include a plurality of cutters to cut the web material into a plurality of webs as taught by Nowisch in order to produce more than one material of rolled products. Note, the concept of a series of ply-bonding members is inherently known since the web is continuously being fed into the winding apparatus.

***Allowable Subject Matter***

Claims 45 and 76 have been canceled.

Claims 89 and 90 have been added.

Claims 46, 49, 53, 56-57, 59, 68, 70-71, 75, and 77-86 have been amended.

Claims 46-75, 77-82/83, 84/83, 85, and 86/83-88/83 are allowed.

The following is a statement of reasons for the indication of allowable subject matter: The claims are patentable over the prior art of record because the teachings of the references taken as a whole do not show or render obvious the combination set forth in claim 81, including all the structural elements and step by step method of winding, especially added language of "winding is started on said at least one second winding core while the severing device is still in a severing position." (i.e., indicating that the severing position is referring to the severing device/movable element is inside the aperture).

***Response to Arguments***

Applicant's arguments with respect to claims 89-90, 82/90, 84/90, 86/90, 87/90, and 88/90 have been considered but are moot in view of the new ground(s) of rejection as set forth above.

Applicant's newly presented claim 89, a combination of claims 45, 53 and 54, applicant's arrangement provides for faster machine operation with less mechanical elements. As stated above, it would have been obvious to one having ordinary skill in

Art Unit: 3654

the art at the time the invention was made to modify the apparatus of Morizzo to include the winding roller onto the pair of oscillating arms in order to reduce parts and save material costs or increase production rate with less components. Furthermore, it has been held that rearranging parts of an invention involves only routine skill in the art. In *re Japikse*, 86 USPQ 70.

Applicant's newly presented claim 90, a combination of claims 76 and 81 with added language is not the same as amended claim 81, as explained above.

In response to applicant's argument that Biagiotti teaches applying glue by traversing a carriage, which requires more time, however the rejection was based on Morizzo in view of Biagiotti. As stated above, Morizzo's air nozzles were being replaced by Biagiotti's spraying glue. Thus, applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

The added claims 89 and 90 necessitated the new grounds of rejection as set forth above.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

Art Unit: 3654

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SANG KIM whose telephone number is 571-272-6947. The examiner can normally be reached Monday through Friday from 8:00 A.M. to 5:30 P.M. alternating Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Crawford, can be reached on (571) 272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should



Application/Control Number: 10/510,576

Page 8

Art Unit: 3654

you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SK

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GENE C. CRAWFORD  
SUPERVISORY PATENT EXAMINER